

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 11-085

In re the Application of: )  
Matthew P. Casebolt, et al. )  
Serial No.: 09/370,121 ) Group Art Unit: 2835  
Filed: August 6, 1999 ) Examiner: Chang, Yean Hsi  
For: COMPUTER SYSTEM FOR HIGHLY ) Confirmation No.: 7633  
DENSE MOUNTING OF SYSTEM )  
COMPONENTS )

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT SUPPORTING PETITION TO ACCEPT UNAVOIDABLY DELAYED  
PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT**  
**(37 CFR 1.378 (B))**

Dear Sir:

This statement is being filed in support of the Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378 (b)).

1. I am founder/ CEO and current investor with the current Assignee of US Pat. Appl. No. 09/370,121 filed on August 6, 1999 from which US Patent No. 6,490,153 was granted therefrom on December 3, 2002. Applicant applied for US Pat. Appl. No. 09/370,121 and prosecuted to allowance and issuance.

2. Assignee engaged the law firm of Skjerven Morrill MacPherson LLP to continue to prosecute the applications for patent filings as early as 2002 (**this is evidenced by the attached email dated May 6<sup>th</sup>, 2002**). Further, Applicant engaged the law firm of Skjerven Morrill MacPherson LLP to pay the maintenance fees.

3. On or about August 1, 2011 it came to my attention that US Patent No. 6,490,153 expired due to lack of payment of maintenance fees. I nor Assignee did not become aware of the expiration of the US Patent No. 6,490,153 before on or about August 1, 2011. **This was when an external party who was interested in an acquisition alerted us to the fact that the patent was expired.**

4. I and Assignee submit that the entire delay in payment of the maintenance fees was unavoidable and unintentional. Assignee never intended to allow US Patent No. 6,490,153 to expire, and at all times, the Assignee desired for to be in force during the entire lifetime of the patent (20 years from filing date).

5. Upon making queries, I realized that the law firm of Skjerven Morrill MacPherson LLP had gone out of business and was defunct.

6. **Being a small firm, we did not have any in house legal resources that kept track of the status of the two patents that we had been granted. In addition, due to changed economic conditions the company was at the time undergoing a transition of its business model, management team as well as its physical address. Copies of all of the paperwork to do with our patent filings were misplaced during the downsizing process and under the circumstances the only way for us to be aware of when the patent maintenance fees, etc. were due was if our external law firm of Skjerven Morrill MacPherson LLP alerted us to these requirements/ due dates.**

7. On or about August 1, 2011, I diligently sought out new patent counsel on behalf of the Assignee to engage in filing of the enclosed Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378 (b)) and this statement.

8. On or about December 1, 2011, after seeking appropriate patent counsel, I engaged on behalf of the Assignee the law firm of Da Vinci Intellectual Property to file the enclosed Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378 (b)) and this statement. **The lack of records regarding our patent filings made it difficult for us to pursue the reinstatement with other patent attorneys and it was thanks to Mr. Atanu Das of Da Vinci Intellectual Property (who was able to pull relevant information from the USPTO) that we now have the information regarding our patents.**

9. I declare that all statements made herein to my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of US Patent No. 6,490,153.

10. I sincerely request you to kindly reconsider our petition since we are a very small firm and this patent forms a significant portion of the assets of the business. This will be of particular value to our company in the difficult business environment that we are currently faced with.

Respectfully submitted,

California Digital (Assignee)



Dated: May 15th, 2012

By: \_\_\_\_\_

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